

REMARKS

This is intended as a full and complete response to the Final Office Action dated January 10, 2006, having a shortened statutory period for response set to expire on April 10, 2006. Claims 1-5 have been examined. The Examiner rejected claims 1 and 4 under 35 U.S.C. § 103(a) as being obvious over Thatcher, et al., US 5,757,998, in view of Mody, et al., US 20020181509 A1. The Examiner rejected claims 2, 3, and 5 under 35 U.S.C. § 103(a) as being obvious over Thatcher, et al., and Mody, et al., as applied to claim 1 above, and in further view of Darcie, US 6,014,479. The Examiner rejected 1-5 under 35 U.S.C. § 103(a) as being obvious over Harrigan, et al., US 6,069,752 in view of Mody, et al.

Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1 and 4 as being obvious over Thatcher, et al., in view of Mody, et al. Applicant respectfully traverses the rejection.

The Examiner failed to establish a prima facie case of obviousness because there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings in accordance with MPEP 2143.03. The Examiner admits that Thatcher, et al. fails to disclose a common receiver part. The Examiner attempts to supplement this missing part by utilizing Mody, et al. The Examiner states that one of ordinary skill in the art would be motivated to combine the references for efficiency and cost effectiveness. According to MPEP 2143.03, the references must suggest the desirability of the claimed invention. Specifically, the nature of the problem to be solved must provide a motivation to combine the references. The problem solved by Thatcher, et al. is to provide a package that is pluggable by utilizing separate receivers and drive circuitries and the use of separate receivers is critical to the object of the invention. (See Thatcher, et al., col. 6, lines 17-29 and col. 9, lines 1-5) One of ordinary skill in the art would not look to a common part receiver disclosed in Mody, et al. to solve the packaging problem disclosed in Thatcher, et al. Without a motivation to combine Thatcher, et al. and Mody, et al., the references may not be used to render claims 1 and 4 obvious.

Further, the Examiner's proposed modification would render the modular reconfiguration of Thatcher unsuitable for its intended purpose. Thatcher, et al. discloses a package that is

pluggable by utilizing separate receivers. (See Thatcher, et al., col. 6, lines 17-29 and col. 9, lines 1-5) Introducing a common receiving part, as suggested by the Examiner, would defeat the interchangeability of the separate-package design as described in Thatcher and, therefore, render the assembly disclosed in Thatcher unsuitable for its intended purpose. A fair reading of Thatcher clearly shows that separate receivers are an important aspect of the hot pluggable feature and the interchangeability feature of the device disclosed in Thatcher. Although the Examiner thinks otherwise, the Examiner has failed to point out in Thatcher where a common receiver could be used with the pluggable devices disclosed in Thatcher.

Further, the Examiner failed to establish a prima facie case of obviousness because the prior art reference (or references when combined) must teach or suggest all the claim limitations in accordance with MPEP 2143.03. The Examiner admits that Thatcher, et al. fails to disclose an interface assembly that includes its own heat sink portions. The Examiner, however, asserts that separate heat sinks are obvious. Applicant respectfully disagrees. Thatcher, et al. specifically discloses an integrated heat sink in the form of a cover as a specific object of the invention. (See Thatcher, et al., col. 2, lines 49-51 and col. 6, lines 61-64) This feature in Thatcher, et al. teaches away from the separate heat sink design as recited in claims 1 and 4. Thus, Thatcher, et al. may not be used to render claims 1 and 4 obvious because this is inconsistent with the disclosure of Thatcher, et al. Additionally, Mody, et al. fails to cure the deficiency of Thatcher, et al.

Additionally, the Examiner relies on Mody, et al. to render claims 1 and 4 obvious. Mody, et al. has a filing date of April 24, 2002, a date after the effective filing date of the present invention. Mody, et al. also claims priority to several provisional patent applications filed on April 24, 2001. However, according to MPEP 2141.01 and 2136.03, the critical reference date of a U.S. application publication is entitled to the benefit of the filing date of a provisional application under 35 U.S.C. 119(e) if the provisional application(s) properly supports the subject matter relied upon to make the rejection in compliance with 35 U.S.C. 112. Hence, the Examiner's reliance on Mody, et al. may not be appropriately applied under 35 U.S.C. § 103 unless the provisional application(s) properly supports the subject matter relied upon to make the rejection. Applicant respectfully requests the Examiner to provide a copy of the provisional application(s) or to remove the 103 rejection of claims 1 and 4.

As the foregoing illustrates, the combination of Thatcher, et al. and Mody, et al. fails to render claims 1 and 4 obvious. Therefore, Applicant respectfully requests the 103(a) rejection of claims 1 and 4 be removed and the allowance of the same.

The Examiner rejected claims 2, 3, and 5 as being obvious over Thatcher, et al. and Mody, et al. as applied to claim 1 above, and in further view of Darcie. Applicant respectfully traverses the rejection. Claims 2, 3, and 5 depend from claim 1. As set forth above, the combination of Thatcher, et al. and Mody, et al. fails to disclose all the limitations of claim 1. Further, Darcie fails to cure this deficiency. This failure precludes the combination of Thatcher, et al. and Mody, et al. and Darcie from rendering claims 2, 3, and 5 obvious. For these reasons, Applicant submits that claims 2, 3, and 5 are in condition for allowance and respectfully requests withdrawal of the § 103(a) rejection.

The Examiner rejected 1-5 as being obvious over Harrigan, et al. in view of Mody, et al. Applicant respectfully traverses the rejection.

The Examiner failed to establish a prima facie case of obviousness because there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings in accordance with MPEP 2143.03. The Examiner admits that Harrigan, et al. fails to disclose a common receiver part. The Examiner attempts to supplement this missing part by utilizing Mody, et al. The Examiner states that one of ordinary skill in the art would be motivated to combine the references for efficiency and cost effectiveness. According to MPEP 2143.03, the references must suggest the desirability of the claimed invention. Specifically, the nature of the problem to be solved must provide a motivation to combine the references. The problem solved by Harrigan, et al. is to provide three replaceable laser assemblies designed to achieve an alignment that is repeatable with respect to separate corresponding fiber-optic coupler assemblies (i.e., receivers). One of ordinary skill in the art would not look to a common part receiver disclosed in Mody, et al. to solve the alignment problem disclosed in Harrigan, et al. Without a motivation to combine Harrigan, et al. and Mody, et al., the references may not be used to render claims 1-5 obvious.

Further, the Examiner's proposed modification of Harrigan would render the modular reconfiguration of Harrigan unsuitable for its intended purpose. The purpose of the design in Harrigan is to allow easy replacement of a laser assembly included in each replaceable unit. As

stated in Harrigan, independent adjustments are made to the respective receiver (fiber-optic coupler assembly) to align the lateral position of the fiber with respect to the replaceable unit and correct angular errors among other things. (See Harrigan, col. 8, lines 25-40 and col. 11, lines 51-63) Introducing a common receiving element, as suggested by the Examiner, would undermine the ability to separately adjust the appropriate receiver (fiber-optic coupler assembly) with respect to the replaceable unit and, therefore, render the assembly disclosed in Harrigan unsuitable for its intended purpose. A fair reading of Harrigan clearly shows that separate receivers are an important aspect of the replaceable units disclosed in Harrigan. Although the Examiner thinks otherwise, the Examiner has failed to point out in Harrigan where a common receiver could be used with the replaceable units disclosed in Harrigan.

Further, the Examiner failed to establish a prima facie case of obviousness because the prior art reference (or references when combined) must teach or suggest all the claim limitations in accordance with MPEP 2143.03. The Examiner admits that Harrigan, et al. fails to disclose a common drive circuitry. The Examiner, however, asserts that common drive circuitry is obvious. Applicant respectfully disagrees. Harrigan, et al. specifically discloses three independent laser assemblies (10) that have their own designated receiver through three different fiber assemblies (51). (See Harrigan, Figure 7) This feature in Harrigan, et al. teaches away from the concept of common drive circuitry as recited in claims 1-5. Thus, Harrigan, et al. may not be used to render claims 1-5 obvious because this is inconsistent with the disclosure of Harrigan, et al. Additionally, Mody, et al. fails to cure the deficiency of Harrigan, et al.

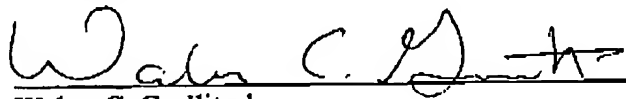
Additionally, the Examiner relies on Mody, et al. to render claims 1-5 obvious. Mody, et al. has a filing date of April 24, 2002, a date after the effective filing date of the present invention nevertheless Mody, et al. also claims priority to several provisional patent applications filed on April 24, 2001. For the reasons discussed above, Applicant respectfully requests the Examiner to provide a copy of the provisional application(s) or to remove the 103 rejection of claims 1-5.

As the foregoing illustrates, the combination of Harrigan, et al. and Mody, et al. fails to render claims 1-5 obvious. Therefore, Applicants respectfully request the 103(a) rejection of claims 1-5 be removed and the allowance of the same.

PATENT
Atty. Dkt. No. AVAN/001000.D1**Conclusion**

Having addressed all issues set out in the office action, Applicant respectfully submits that the case is in condition for allowance. If the Examiner has any questions, please contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,



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